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7

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 MARIBELL AGUILAR,
for Herself, as a Private Attorney
General, and/or On Behalf Of All
11 Others Similarly Situated,

12 Plaintiff,

13 v.

14 CARTER'S, INC., and DOES 1-10,
15 inclusive,

16 Defendants.
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No. 1:19-CV-03088-SMJ

**PLAINTIFF'S
NOTICE OF DISMISSAL**

[Fed.R.Civ.P. 41(a)(1)(A)(i)]

NOTICE OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff Maribell Aguilar, through counsel, hereby provides notice that the entirety of the above-captioned civil action is voluntarily dismissed, without prejudice.

Plaintiff Maribell Aguilar further provides notice that it is her intent to re-file this civil action in the state courts of Washington State. Plaintiff Aguilar is dismissing and re-filing this action to, without limitation, protect the putative class and to preserve to the maximum extent possible the relevant class period and the applicable limitations period in the event that Defendant Carter's, Inc., argues that the U.S. District Court for the Eastern District of Washington cannot exercise subject matter jurisdiction over this dispute due to an alleged absence of Article III standing. *See NEI Contracting and Engineering, Inc., v. Hanson Aggregate Pacific Southwest, Inc.*, --- F.3d ---, 2019 WL 2361800 (9th Cir., June 5, 2019) (in which the same law firm that is representing Carter's, Inc., successfully raised a standing objection during trial).

In the event that Defendant Carter's, Inc., removes the re-filed action back to this Court, Plaintiff Aguilar anticipates that the action will be assigned back to Hon. Salvador Mendoza, Jr.

DATED this 17th day of June, 2019.

1 HATTIS & LUKACS

2 By: /s/ Che Corrington
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